

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GRADUAL TAYLOR,	:	CASE NO. C-1-02-446
Plaintiff,	:	(Judge Weber)
	:	(Magistrate Black)
v.	:	
CHERYL HART,	:	DEFENDANT’S MEMORANDUM
Defendant.	:	OPPOSING PLAINTIFF’S MOTION
	:	FOR PROTECTIVE ORDER

The plaintiff filed a motion for a protective order. The defendant (Police Officer Cheryl Hart) opposes the motion as discussed below.

It is not true, as asserted by the plaintiff, that this counsel advised the plaintiff, “in the nicest possible way, that these things can be nasty.” This counsel merely described his duty, on behalf of his client, to use discovery procedures to investigate the plaintiff’s liability and damage claims.

The plaintiff publicly filed a lawsuit alleging that he was unlawfully arrested. Therefore, the fact of the arrest, and the plaintiff’s challenge to it, are a matter of public record available for review by anyone. Furthermore, under R.C. 2953(D)(2) Officer Hart is allowed access to necessary records that she needs to defend herself. Given the public nature of the lawsuit, and Officer Hart’s access to records under R.C. 2953(D)(2), the plaintiff’s motion for a protective order should be denied. In any event, however, Officer Hart has no need or desire to unnecessarily ostracize the plaintiff and will work with the plaintiff and the Court to protect the plaintiff without unduly prejudicing her ability to defend the claims against her.

Respectfully submitted

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/s/ Richard Ganulin
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CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing Defendant's Memorandum Opposing Plaintiff's Motion for Protective Order was filed electronically this 24th day of March, 2006. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard Ganulin
RICHARD GANULIN